

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

FILED/ACCEPTED

MAR 28 2008

In the Matter of

WILLIAM F. CROWELL

Application to Renew License for Amateur
Radio Service Station W6WBJ

) WT Docket No. 08-20
)
) FCC File No. 0002928684
)
) File No. EB-08-IH-0434
)

Federal Communications Commission
Office of the Secretary

To: Administrative Law Judge
Arthur I. Steinberg

**ENFORCEMENT BUREAU'S OPPOSITION TO WILLIAM F. CROWELL'S
MOTION TO COMPEL ANSWER TO HIS FIRST SET OF INTERROGATORIES**

1. The Chief, Enforcement Bureau, by her attorneys and pursuant to Section 1.323(c) of the Commission's Rules, hereby responds to and opposes William F. Crowell's ("Crowell") Motion to Compel Enforcement Bureau To Answer to His First Set of Interrogatories ("Motion").

2. On February 26, 2008, William F. Crowell directed to the Bureau his First Set of Interrogatories ("Interrogatories"), a copy of which was previously submitted as an attachment to the Enforcement Bureau's Motion for Prehearing Conference. In the Interrogatories Mr. Crowell seeks answers to no fewer than 133 individually numbered items, most of which include multiple subparts. When the subparts are taken into consideration, the actual number of interrogatories served on the Bureau exceeds 300.

3. As the Bureau asserted in its request for a prehearing conference, it believes that the sheer number of Interrogatories that Mr. Crowell has propounded is, under any reasonable interpretation, excessive. Moreover, the scope of the interrogatories is outrageous. In this regard, the Bureau estimates that upwards of 80% of the Interrogatories Mr. Crowell advanced

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are objectionable because they, among other things, are irrelevant to the issues designated for hearing, call for legal conclusions, are founded on improper conjecture and/or argument, and/or are in the nature of requests for admissions.

4. Crowell, in his Motion, incorrectly asserts that the Bureau is "stonewalling all discovery."¹ This is not true; the Bureau intends to respond to Crowell's Interrogatories. Prior to doing so, however, the Bureau seeks the Court's guidance with respect to the proper nature and scope of discovery.

5. Crowell argues that the Bureau should be deemed to have waived the right to object to the Interrogatories because it failed to timely respond to them. This argument should be rejected. The Bureau filed its Motion For Prehearing Conference on March 7, 2008, in advance of its deadline to respond to Crowell's Interrogatories.² In its motion, the Bureau requested a stay of discovery until such time as the appropriate nature and scope of discovery could be determined. Such motion can and should be properly considered a timely objection as specifically contemplated by Rule 1.323(b).

6. In denying the Bureau's motion to schedule a separate Prehearing Conference and to stay *all* discovery, on March 21, 2008, the Judge ruled that the appropriate nature and scope of discovery could be addressed at the Prehearing Conference previously scheduled for April 2, 2008. The Bureau intends to raise the issue and seek the Court's guidance with respect to discovery at the Prehearing Conference next week.

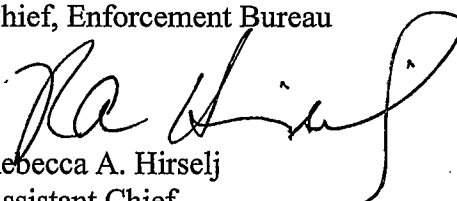
7. The Bureau will respond to Crowell's Interrogatories in a timely manner upon receiving the Court's direction with respect to the appropriate nature and scope of discovery. Notwithstanding the foregoing, in an abundance of caution and to demonstrate its good faith, the

¹ Motion at 2.

Bureau is preparing responses to Crowell's Interrogatories and intends to file them on April 2, 2008, unless instructed otherwise by the Court during the Prehearing Conference.³

In light of the foregoing, the Bureau respectfully requests that the Presiding Judge deny Crowell's Motion.

Respectfully submitted,
Kris Anne Monteith
Chief, Enforcement Bureau



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March 28, 2008

² Crowell's Interrogatories were served on February 26, 2008. Rule 1.323(b) gives the Bureau 14 days to respond. The Bureau's responses were due on or before March 11.

³ Such response should be considered timely filed. Pursuant to Rule 1.323(b), a party may respond to a Motion to Compel by providing responses to the discovery at issue. A party is entitled to seven days to respond to a motion to compel. Because the time period to respond is fewer than 10 days and the Proof of Service attached to Crowell's Motion reflects service by mail, three additional days are afforded to the Bureau. See Rule 1.4(h). Crowell filed and served the instant Motion on March 21. The Bureau's deadline to respond is April 2, 2008. It should be pointed out that Crowell inadvertently inserted the date March 17, 2008 in the Proof of Service. The Bureau brought this error to his attention and Crowell agreed that the correct service date was March 21, the day he signed the Motion.

CERTIFICATE OF SERVICE

I, Rebecca Lockhart, a Paralegal Specialist in the Enforcement Bureau's Investigations and Hearings Division, hereby certify that on this 28th day of March, 2008, true and correct copies of the foregoing document, Enforcement Bureau's Opposition to William F. Crowell's Motion To Compel Answer To His First Set Of Interrogatories, were served via email and first-class mail, postage prepaid, upon the following:

William F. Crowell
1110 Pleasant Valley Road
Diamond Springs, CA 95619-9221

Administrative Law Judge Arthur I. Steinberg *
Federal Communications Commission
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Rebecca Lockhart

* Hand-Delivered